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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Anisha Chinwalla, as Wrongful Death)
Representative of the Estate of Juzer Chinwalla,)
)
Plaintiff,)
v.)
)
Welch, Inc.; Larry Olson, individually; and)
Fed Ex Ground Package System, Inc.)
)
Defendants.)

Civil Action No. 20CV127-R

COMPLAINT

PARTIES, JURISDICTION AND VENUE

1. Anisha Chinwalla, an adult citizen of Illinois, is the duly appointed Wrongful Death Representative having been appointed on May 11, 2020 by an order of the Eighth Judicial District Court as the personal representative for all actions relating to the wrongful death of Juzer Chinwalla. Juzer Chinwalla died in Niobrara County, Wyoming on August 16, 2018.

2. Plaintiff brings this action on behalf of those entitled to recover damages for the wrongful death of Juser Chinwalla. Those entitled include: Anisha Chinwalla, Rohan Chinwalla and Neha Chinwalla.
3. Defendant Fed Ex Ground Package System, Inc. (hereinafter "FedEx") is a motor carrier and corporation under the laws of Delaware or another state other than Wyoming, with its principal place of business in a state other than Wyoming. FedEx was, at the time of the death of Juser Chinwalla, and still is today, conducting business in Wyoming, either directly or by its employees/agents/servants.
4. Defendant Welch, Inc. is a motor carrier and corporation under the laws of South Dakota or another state other than Wyoming, with its principal place of business in a state other than Wyoming. Welch, Inc. acted as the employee/agent/servant of FedEx, and FedEx is therefore liable for its conduct, and its employees are the employees of FedEx, for whose conduct FedEx is liable.
5. At the time of the incident herein, Defendant Larry Olson was a driver employed by Welch, Inc. operating a tractor/trailer unit owned by FedEx and operating under FedEx's US DOT permit number with FedEx labeling. Mr. Olson was wearing a FedEx uniform, and held himself out to be an agent of Fed Ex.
6. FedEx's US DOT permit/permission obligates it to be responsible for the conduct of persons operating, maintaining, dispatching and otherwise running FedEx-labeled vehicles, no matter by whom the drivers, maintenance personnel, dispatcher and others are "employed."
7. Jurisdiction is proper in this Court under 28 U.S.C. §1332 as the citizenship of the Plaintiff is diverse from that of all of the Defendants. The amount in controversy in this action far exceeds \$75,000.00.

8. Pursuant to 28 U.S.C. §1391(a), proper venue for the plaintiff's claims lies in the District of Wyoming as all of the actions of Defendants leading to the crash occurred in Niobrara County, Wyoming.

FACTS COMMON TO ALL CLAIMS

9. All of the allegations contained in the preceding paragraphs of this Complaint are incorporated by reference herein as if the same were set forth in full.
10. On August 16, 2018 at 10:30 p.m. a motor vehicle crash occurred on US Highway 85 at the intersection of US Highway 18 in Niobrara County, Wyoming.
11. At the time, Plaintiff Anisha Chinwalla was driving northbound on U.S. Highway 85 in her 2014 Toyota Yaris.
12. Occupants of Ms. Chinwalla's vehicle included Rohan Chinwalla, Neha Chinwalla, and Juzer Chinwalla.
13. Immediately prior to the crash, Larry Olson, driving a tractor pulling double trailers for FedEx, was stopped at the intersection of U.S. Highway 18, preparing to turn southbound on U.S. Highway 85.
14. Mr. Olson started onto U.S. Highway 85 turning south. In doing so, he neglected to yield to the vehicle driven by Anisha Chinwalla, while crossing the northbound lanes of U.S. Highway 85, directly resulting in the motor vehicle collision.
15. As a direct result of the crash, Juzer Chinwalla was pronounced dead at 2348 hours on August 16, 2018. His death was a direct result of trauma sustained as a result of the crash.
16. On September 3, 2019, in the Circuit Court for the Eighth Judicial District, State of Wyoming, Niobrara County, under docket number CR-2019-0013, Larry Olson entered a

plea of Guilty to one count of Careless Driving in violation of Wyo. Stat. §31-5-236 as a result of his conduct on August 16, 2018.

CAUSES OF ACTION – FEDEX AND WELCH, INC.

17. All of the allegations contained in the preceding paragraphs of this Complaint are incorporated by reference herein as if the same were set forth in full.
18. FedEx and Welch, Inc. had a duty to ensure the safe operation of the tractor-trailer combination on the highway.
19. The Code of Federal Regulations in 49 C.F.R. 390.5 makes FedEx liable for the conduct without regard to common law principles regarding independent contractors.
20. The negligence of FedEx and its employees/agents/servants caused or was a substantial contributing factor in Juzer Chinwalla's death.

DAMAGES

21. All of the allegations contained in the preceding paragraphs of this Complaint are incorporated by reference herein as if the same were set forth in full.
22. Plaintiff and those entitled to claim under Wyoming law have been damaged in the loss of probable future companionship, society and comfort of Juzer Chinwalla in the loss of his earnings and earning capacity, and in other ways, including burial expense.
23. The conduct of FedEx was reckless, willful, wanton and indifferent toward the motoring public under these circumstances, subjecting all defendants to exemplary damages.

JURY DEMAND

24. Plaintiff, by and through her attorneys, Stephen H. Kline of Kline Law Office, P.C. and Robert W. Tiedeken of Robert W. Tiedeken, P.C., hereby demand that the above-entitled action be tried by a jury of eight (8) persons.

CONCLUSION

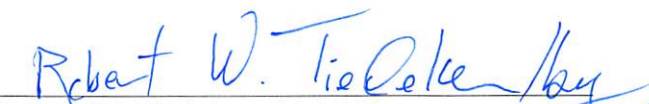
WHEREFORE, Plaintiff claims pecuniary and exemplary damages pursuant to W.S. §1-38-102(c) in an amount to be determined at trial, substantially in excess of Seventy-Five Thousand Dollars (\$75,000.00).

DATED this 9th day of July, 2020.

ATTORNEYS FOR PLAINTIFF,



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